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December 16, 2021

BY ECF

The Honorable Lorna G. Schofield
United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Re: Catherine McKoy et al., et al. v. The Trump Corporation, et al., 18-cv-9936 (LGS)

Dear Judge Schofield:

We write on behalf of Plaintiffs and the putative classes to inform the Court of recent developments relating to non-party ACN Opportunity, LLC (“ACN”).

Two days ago, on December 14—139 days after the Second Circuit unanimously affirmed this Court’s order denying ACN’s arbitration motion and entered judgment—ACN filed an extraordinary application in the United States Supreme Court seeking a stay of proceedings in this Court pending a decision on a petition for a writ of certiorari. *See ACN Opportunity, LLC v. McKoy, et al.*, No. 21A238. A copy of that filing is submitted contemporaneously herewith as Exhibit A. Although ACN claims to have provided a copy on December 13, we just became aware of the filing this afternoon through an automated docketing system at the Supreme Court, and we submit this letter to bring it promptly to Your Honor’s attention. The application has been submitted to Justice Sotomayor, and the Court has not yet taken any action on it. We obviously intend to oppose ACN’s application and will keep the Court apprised of any further developments.

In addition, further to other recent submissions relating to non-party discovery, we wanted to inform the Court that a team of attorneys representing Plaintiffs are currently in Los Angeles reviewing the unaired footage from two episodes of *The Celebrity Apprentice*, and are working diligently to make efficient progress in that review consistent with applicable COVID precautions and guidance.

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2

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Roberta', with a long horizontal flourish extending to the right.

Roberta A. Kaplan

cc: Counsel of Record (by ECF)